

continued through the entire business relationship between the ACBOE and RelComm for this type of item and other items and services supplied under the Federal E-Rate Program . As a result of this information and belief, Alemar Consulting is in the process of conducting a review and audit for Years Two, Three, Four and Five of the Federal E-Rate Program.

WHEREFORE, the defendant-counterclaimant demands judgment against plaintiff as follows:

A. A setoff for any and all excessive and unreasonable fees charged for materials and maintenance service provided by RelComm during the entire business relationship between the parties;

B. A refund of any and all monies paid by the ACBOE through the duration of its business relationship with RelComm for all excessive fees paid;

C. Awarding such other relief as the Court shall deem equitable and just.

COUNT TWO
VIOLATION OF THE NEW JERSEY CONSUMER FRAUD ACT NJSA 56:8-1 ET SEQ.

18. Defendant-counterclaimant, repeats and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length herein.

19. Upon information and belief, RelComm engaged in a "gray market deal" which provided them with an opportunity to raise the profit margin of the material supplied to the school district by an outrageous and unreasonable rate. Specifically, RelComm provided products through needless and unnecessary middlemen, which caused substantial damage to the ACBOE by inflating the cost of the products and resulted in a loss of warranty, which would have been available to the ACBOE if the middlemen were not involved in the process.

20. The actions of RelComm constituted fraud and fraudulent practices by an entity engaged in the sale of goods and services.

21. The New Jersey Consumer Fraud Act N.J.S.A. 56:8-1 et seq. was enacted to protect the consumer against imposition and loss as the result of fraud and fraudulent practices by business entities engaged in the sale of goods and services.

22. Based upon information and belief, during the entire duration of its business relation with ACBOE, RelComm violated the New Jersey Consumer Fraud Act by engaging in unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation or the knowing concealment, suppression of any material fact with the intent that others rely upon such concealment, suppression, or omission, in connection with the sale...of merchandise in violation of the New Jersey Consumer Fraud Act N.J.S.A 56:8-2.

WHEREFORE, the defendant-counterclaimant demands judgment against plaintiff as follows:

- A. Declaring that RelComm violated the New Jersey Consumer Fraud Act;
- B. Awarding reasonable and fair compensatory damages based upon the actual loss sustained by the Atlantic City school district;
- C. Awarding treble damages pursuant to the New Jersey Consumer Fraud Act;
- D. Awarding reasonable counsel fees pursuant to New Jersey Consumer Fraud Act;
- E. Awarding such other relief as the Court shall deem equitable and just.

COUNT THREE
BREACH OF IMPLIED CONTRACT

23. Defendant-counterclaimant, repeats and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length herein.

24. At all times relevant hereto, RelComm was awarded a bid through the Federal E-Rate Grant Program for Years Two, Three, Four and Five.

25. Based upon information and belief, at no time was a contract executed between RelComm and ACBOE in order to solidify their business relationship.

26. Although a written agreement was never executed between the parties, there was an understanding that RelComm was acting in good faith by providing goods and services to the ACBOE.

27. The actions of RelComm were fraudulent, in bad faith, arbitrary and capricious and RelComm breached its implied condition of good faith and fair dealing by excessively over billing the ACBOE during its entire business relationship.

28. As a direct and proximate result of RelComm's actions, Defendant-counterclaimant has suffered substantial monetary damages, and irreparable harm.

WHEREFORE, the defendant-counterclaimant demands judgment against plaintiff as follows:

- A. Awarding Defendant-counterclaimant compensatory and punitive damages as well as attorney's fees and costs;
- B. Providing a setoff for any additional sums owed;
- C. Awarding such other relief as the Court will deem equitable and just.

COUNT FOUR
NEGLIGENCE

29. Defendant-counterclaimant, repeats and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length herein.

30. RelComm and the ACBOE were involved in a business relationship in which RelComm supplied certain equipment and services pursuant to the Federal E-rate Program at Year Two through Year Five.

31. During the entire duration of this business relationship, RelComm acted negligently in its supplying of goods and services to the ACBOE.

32. The negligent actions of RelComm can be described, but are not limited to, the following:

- a. Improper network infrastructure design;
- b. Improper workmanship and maintenance for the subject site;
- c. Improper deployment of network infrastructure;
- d. Improper installation of goods supplied to the ACBOE;
- e. The systems for this school district were installed in a manner in which certain systems were unable to communicate with other systems within the school district;
- f. Supplying the ACBOE with servers that were too complex and sophisticated for the educational use of the school district;
- g. Other numerous negligent actions, which will be specified during the course of this action.

33. As the result of the negligence of RelComm, the ACBOE sustained serious and irreparable damage.

WHEREFORE, the defendant-counterclaimant demands judgment against plaintiff as follows:

- A. Awarding Defendant-counterclaimant reasonable and fair compensatory damages based upon the actual loss sustained by the Atlantic City School District;
- B. Providing a setoff for any additional sums owed;
- C. Awarding a refund of any and all monies paid by the ACBOE for the duration of its business relationship with RelComm for all damages sustained;
- D. Awarding such other relief as the Court will deem equitable and just.

COUNT FIVE
REL COMM INAPPROPRIATELY INTERFERED WITH THE PUBLIC BIDDING
PROCESS VIOLATING THE STATE OF NEW JERSEY'S PUBLIC
CONTRACTS LAW, N.J.S.A. 18(A):1 et. seq.. AND THE FEDERAL E-RATE PROGRAM

34. Defendant-counterclaimant, repeats and incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length herein.

35. Based upon information and belief, RelComm influenced or attempted to influence the Data Center Manager, Jonathan B. Jones, in various ways, including but not limited to, completion of the Federal E-Rate forms.

36. At no time during the course of its interaction with the ACBOE did RelComm have a letter of agency to act on behalf of the Atlantic City School District for the Federal E-Rate application process.

37. Based upon information and belief, RelComm received copies of contracts for other Companies bidding for an award under the Federal E-Rate Program in order to gain an unfair advantage in the bidding process.

38. The pattern and practice by RelComm of interfering with the bidding process continued during the recent Year Six E-Rate bidding process.

39. A requirement during the Year Six bidding process was a walkthrough in which all prospective bidders would tour the facility. Based upon information and belief, representatives from RelComm had concealed microphones and engaged in conversation with competitive vendors during the walkthrough process in an attempt to identify their competitors.

40. Shortly thereafter, and before the awarding of the bid, representatives from RelComm directly contacted other contractors that were present during the walkthrough and asked them if they were bidding on the Year Six Federal E-rate Program. If the competitors indicated that they intended to bid on the process, RelComm representatives told those contractors that they would be instituting a legal action if a bid was awarded to their companies.

41. Based upon information and belief, this was an intentional attempt by RelComm to coerce and threaten competition in violation of the Federal E-Rate public bidding process.


WHEREFORE, the defendant-counterclaimant demands judgment against plaintiff as follows:

- A. Awarding Defendant-counterclaimant reasonable and fair compensatory damages as well as attorneys fees and costs associated with the harm sustained;
- B. Providing a setoff for any additional sums owed;
- C. Awarding such other relief as the Court will deem equitable and just.

ROVILLARD & BLEE, L.L.C.
Attorneys for Defendant-counterclaimant

Dated: 4/16/04

By:


Michael J. Blee, Esquire

Appendix “2”

STATE OF NEW JERSEY:

SS:

AFFIDAVIT

COUNTY OF ATLANTIC:

MARTIN FRIEDMAN, full age, being duly sworn according to law, do depose and say,

1. My name is Martin Friedman. I was the principal and owner of a sole proprietorship known as ALEMAR Consulting, ("ALEMAR"). ALEMAR offers a full range of services to school applicants to assist them in participating in the Schools and Libraries Universal Service Mechanism (commonly referred to as the E-rate program).

2. I am currently self-employed as an IT consultant. I provide a full array of professional technology consultation services, including the preparation and submission of various forms to enable applicants to qualify for E-rate discounts.

3. I formerly served as an Assistant Dean for Instructional and Information Technology at Temple University. I was responsible for planning, coordinating and administering the procurement of and implementation of information technology for the College of Liberal Arts at Temple University. I served in this position for three (3) years and before that, I served as the Director of Instructional Resources for approximately two (2) years.

4. I possess a B.S. degree in Communications from Temple University and I have obtained a Masters Degree in Computers and Education from Rosemont College. I also have taken courses at Drexel University in Electronic Engineering and Computer Science.

5. In addition to that experience, I served as a Technology Coordinator for a high school within the School District of Philadelphia. I also served as the Technology Coordinator for the School District of West Chester.

6. I have assisted numerous applicants in applying for E-rate discounts. I am familiar with the E-rate program rules and counsel clients on what requirements they must meet in order to qualify for discounts. The applicants that I assist typically are successful in applying for E-rate discounts.

7. In November of 2002, the Superintendent of the Atlantic City Board of Education, Dr. Fred Nickles, contacted me and requested me to assist the Atlantic City School District ("ACSD" or "District") in determining the status of its E-rate Funding Year 2002 (also known as "Funding Year 5") applications that had been prepared and submitted previously without any assistance or involvement from me. In the course of investigating the status of these applications, I determined that the Priority Two applications were pending and that BEAR forms needed to be immediately submitted. I also determined no Form 470 applications had been posted for E-rate year 2003 (also known as "Funding Year 6") as of the first week of December 2003, and the District was in jeopardy of not being able to apply for discounts within the originally established "Window" filing deadline. The District fortunately was able to apply for discounts within the filing window because the window was extended by three weeks until February 6, 2003.

8. Dr. Nickles then retained me to provide E-rate consulting services to the District for Funding Year 6. Dr. Nickles advised me that the District wanted to be certain that all

services and equipment for which it requested discounts were eligible under program rules; would enable the District's network to operate efficiently and allow students to prosper and benefit from the use of technology in the classrooms; and that the procurements were cost-effective. Dr. Nickles explained to me that he had developed significant concerns and misgivings of the current technology deployment in the District and he wanted me to evaluate those deployments to make sure that the District was compliant with E-rate rules.

9. Upon being retained as the District's Year 6 E-rate consultant. I began investigating the current technology deployments and assessing any additional network components, that are eligible for E-rate discounts that the District wanted to competitively bid on its Form 470 application.

10. As I tried to look into these issues, I asked the District for certain documentation and information that should have been in the possession of the District's then current data processing manager, Jonathon Jones. Mr. Jones had previously handled the prior years' E-rate applications for the District. Mr. Jones was not responsive to these inquiries.

11. I also asked the District for documentation about the current network configuration and an inventory list of installed network equipment, which the then existing internal connections service provider, RelComm, Inc. ("RelComm"), should have produced. RelComm did not respond to requests.

12. ALEMAR also conducted site visits to various school buildings within the District to view firsthand the status of the District's technology deployments. Numerous problems were observed with the current technology configuration and installation including, but not limited to:

unsecured and unmarked cables that are tangled together, inadequate ventilation, placement of servers in insufficiently protected areas, direct exposure of technology equipment to light and other heat sources; servers not operating properly; and inability to access the Internet on various desktop computers. ALEMAR also reviewed the OMNICON report.

13. Because the District's contract with its existing internal connections service provider was only for one year and was due to expire on June 30, 2003, I posted, *inter alia*, a Form 470 No. 755640000448116, on behalf of the District seeking various internal connections equipment and services.

14. In addition to itemizing the specific equipment and services that the District wanted to procure for E-rate Year 2005, I provided my contact information in item 11 in order for prospective bidders to obtain additional technical details or to answer specific questions about the services the District was seeking.

15. RelComm contacted me initially on January 21, 2003 about the District's Form 470, via an email submitted from Suzanne Zammit to me. The first paragraph of the message advised that a list of questions was being submitted regarding the District's internal connections competitive procurement, and that RelComm intended to respond to the bid online. The list of questions, however, was encrypted and not decipherable. A copy of this message is attached as Exhibit 1 to this Affidavit.

16. I responded on the same day to Ms. Zammit and advised her that the questions were transmitted as a jumble of characters that I could not review. I also explained that RelComm was required to complete a walkthrough of the sites in order to be able to submit a

proposal. I further stated that the first walkthrough had been taken place already and that a second walkthrough was scheduled for the week of January 20. I told her to contact John Holt and provided his telephone number, in order to make arrangements for the tour. Last, I advised her that only sealed bids would be accepted by 4 PM on January 31, 2003. A copy of this message is attached as Exhibit 2 to this Affidavit.

17. John Holt is a business associate with whom I subcontracted, with the District's permission, to assist me in providing E-rate consulting services to the District. Mr. Holt was tasked with the responsibility of conducting the first and second site visit walkthroughs with prospective bidders. Mr. Holt was also responsible for sending bidders the information package that we had compiled, which consisted of an inventory of the District's current technology equipment. (See Appendix 5 to the District's Reply).

18. On January 22, 2003, I received the list of RelComm's questions, both by email and a hard copy via overnight mail. I advised RelComm that one site tour had been conducted for vendors who previously had contacted me, and RelComm should attend the second site tour, which was scheduled for later that week. As the District's documentation explained, the District scheduled the site tours in order to enable vendors to observe firsthand the District's technology deployment; review the specific technology components; and, to develop the "best solution."

19. On January 24, 2004, RelComm's representatives attended the walkthrough tour of the District's facilities. RelComm recorded the walkthrough tour with a video camera and tape recorders.

20. During the site visit, RelComm acknowledged that it had a diagram of the District's network within its possession, and was not willing to provide this information to the District or to share it with any other prospective bidder.

21. RelComm was provided the same opportunity as every other prospective bidder to participate in the site walkthrough visit, evaluate firsthand the District's existing technology deployment and determine how best to develop its proposal to be responsive to the District's Form 470.

22. On February 3, 2003, I delivered all of the sealed bids that I received from bidders in response to the District's Form 470 to the District's Superintendent, where they were opened in a public setting. The District appointed a bid evaluation team, who reviewed the bids and prepared a recommendation to submit to the Superintendent regarding the most cost effective proposal. Although I did not participate in the bid evaluation process, I advised the District that in order to satisfy E-rate requirements, the most heavily weighted factor in the bid evaluation process must be each proposer's price.

23. District personnel notified me that MTG had been selected as the most cost-effective bidder on February 3, 2003. The District notified MTG in writing of the District's acceptance of the MTG proposal on February 3, 2003, and I completed the associated Form 471 application to apply for discounts on behalf of the District, including but not limited to the cost of the equipment purchases and services that the District intended to acquire from MTG.

24. As of the date that the District filed its Form 471, February 4, 2003, applications for Funding Year 2003, the District had not yet been notified whether its Form 471 applications for Funding Year 2002 for priority two internal connections services had been approved.

25. The District did not receive any notification of the approval of discounts for Funding Year 2003 via the issuance of one or more funding commitment decisions letters until after the conclusion of Funding Year 2003.

26. After submitting the District's Form 471 applications for Funding Year 2003, I was notified in January 2004 by the Schools and Libraries Division that the District was subject to an Item 25 Selective Review for the Funding Years 2002 and 2003.

27. Working with District personnel, I compiled responses and supporting documentation to respond to the fifteen (15) page Selective Review questionnaire, in order to demonstrate that the District's competitive procurement for Funding Year 2003 had been conducted in accordance with program rules and to confirm that the District had adequate funds budgeted in order to make effective use of the discounts. The District cancelled the Funding Year 2002 priority two FRNs that were still pending, and focused on demonstrating the propriety and reasonableness of its priority FRNs for Funding Year 2003.

28. The District's Selective Review Response details all of the problems and difficulties that RelComm attempted to impose on the Funding Year 2003 competitive procurement of internal connections. In my opinion, RelComm sought to thwart the District's efforts to conduct a fair and open bidding process. For example:

- a. RelComm representative Suzanne Zammit misrepresented herself by signing in under another company.
- b. Even though RelComm was allowed to videotape the site walkthrough visit on January 24, 2003, RelComm recorded the walkthrough and caused a great disruption of the site visit. Competitors were recorded on hidden microphones. Camera shots show little in the way of equipment and infrastructure needed to prepare a proper proposal.
- c. RelComm contacted other at least two other prospective bidders in advance of the bid submission deadline for Funding Year 2003, and threatened to initiate legal action against them.
- d. RelComm failed to provide the District with documentation of the District's installed technology to enable the District to make this information available to all prospective vendors. During the site walkthrough visit, RelComm acknowledged that it had a network diagram that it refused to share with other vendors.
- e. RelComm insisted that the District must respond to a detailed list of questions purportedly to enable RelComm to prepare its proposal. A review of those questions makes clear that RelComm had or should have had firsthand knowledge of all requested information such as the model and manufacturer of all existing equipment and the configuration of the District's current network and cabling. Since RelComm was the incumbent vendor that performed much if not all of the work of installing the District's then current network, RelComm should have known or had access to all of the information it requested.


29. To the best of my knowledge, the facts as contained therein are true.

30. The above statements are true to the best of my knowledge. If any of the foregoing are willfully false, I am subject to punishment.



MARTIN FRIEDMAN

Sworn to and subscribed before
me this 14 day of October 2004.



Mary Catherine Wessler
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 5, 2008

Exhibit “1”

Subject: Atlantic City Public Schools Form 470 Applications**Date:** Tuesday, January 21, 2003 3:31 PM**From:** Suzanne Zammit <suzannez@mail.relcomm.net>**To:** friedman@libertynet.org**Cc:** rkv@relcomm.net

Dear Mr. Friedman:

Attached you will find a list of questions regarding the 470 applications for Internal Connections for Atlantic City Public Schools. We will be responding to the bid online and we will need to have the questions answered within the time frame stated on the letter. Please see the attached document.

Any questions that you have should be directed to Konstantin Reznitsky at rkv@relcomm.net.

Sincerely,
Suzanne Zammit
RelComm Inc.
Phone 856-809-1056
Fax 856-809-1058

*Relcomm
1st contact*

```
{\rtf1\ansi\ansicpg1252\uc1 \deff0\deflang1033\deflangfe1033{\fonttbl{\f0\froman\charset0\frpq2{\*\panose 02020603050405020304}Times
New Roman;}\f1\fwiss\charset0\frpq2{\*\panose 020b06040202020204}Arial;}\f2\fmmodern\charset0\frpq1{\*\panose 02070309020205020404}Courier New;}\f14\fnil\charset2\frpq2{\*\panose
05000000000000000000}Wingdings;}\f27\fwiss\charset0\frpq2{\*\panose 020b0604030504040204}Tahoma;}\f36\froman\charset238\frpq2 Times New Roman CE;}\f37\froman\charset204\frpq2 Times New Roman Cyr;}\f39\froman\charset161\frpq2
Times New Roman Greek;}\f40\froman\charset162\frpq2 Times New Roman Tur;}\f41\froman\charset177\frpq2 Times New Roman (Hebrew);}\f42\froman\charset178\frpq2 Times New Roman (Arabic);}\f43\froman\
charset186\frpq2 Times New Roman Baltic;}\f44\fwiss\charset238\frpq2 Arial CE;}\f45\fwiss\charset204\frpq2 Arial Cyr;}\f47\fwiss\charset161\frpq2 Arial Greek;}\f48\fwiss\charset162\frpq2 Arial Tur;}\f49\fwiss\charset177\frpq2 Arial
(Hebrew);}\f50\fwiss\charset178\frpq2 Arial (Arabic);}\f51\fwiss\charset186\frpq2 Arial Baltic;}\f52\fmmodern\charset238\frpq1 Courier New CE;}\f53\fmmodern\charset204\frpq1 Courier New Cyr;}\f55\fmmodern\charset161\frpq1
Courier New Greek;}\f56\fmmodern\charset162\frpq1 Courier New Tur;}\f57\fmmodern\charset177\frpq1 Courier New (Hebrew);}\f58\fmmodern\charset178\frpq1 Courier New (Arabic);}\f59\fmmodern\charset186\frpq1 Courier New Baltic;}\f252\fwiss\charset238\
frpq2 Tahoma CE;}\f253\fwiss\charset204\frpq2 Tahoma Cyr;}\f255\fwiss\charset161\frpq2 Tahoma Greek;}\f256\fwiss\charset162\frpq2 Tahoma Tur;}\f257\fwiss\charset177\frpq2 Tahoma (Hebrew);}\f258\fwiss\charset178\frpq2 Tahoma
(Arabic);}\f259\fwiss\charset186\frpq2 Tahoma Baltic;}\f260\green0\blue0;\red0\green0\blue255;\red0\green255\blue255;\red0\green255\blue0;\red255\green0\blue0;\red255\green255\
blue255;\red0\green0\blue128;\red0\green128\blue128;\red0\green128\blue0;\red128\green0\blue128;\red128\green0\blue0;\red128\green128\blue0;\red128\green128\blue128;\red192\green192\blue192;\red230\green77\blue52;}\stylesheet{\ql \li0\ri0\
nowidctlpar\fauto\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext0 Normal;}\s1\ql \li0\ri0\sb440\sa60\nowidctlpar\fauto\outlinelevel1\ri0\lin0\itap0 \b\fi\fs34\lang1033\langfe1033\cgrid\langnp1033\
langfenp1033 \sbasedon0 \snext0 heading 1;}\s2\ql \li0\ri0\sb440\sa60\nowidctlpar\fauto\outlinelevel1\ri0\lin0\itap0 \b\fi\fs28\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext0 heading 2;}\s3\ql \li0\ri0\sb440\sa60\nowidctlpar\
fauto\outlinelevel2\ri0\lin0\itap0 \b\fi\fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext0 heading 3;}\s4\ql \li0\ri0\sb440\sa60\nowidctlpar\fauto\outlinelevel3\ri0\lin0\itap0 \b\fi\fs20\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext0
additive Default Paragraph Font;}\s15\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext15 Dashed List;}\s16\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext16 Box
List;}\s17\ql \li0\ri0\nowidctlpar\tx1584\fauto\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon31 \snext0 Section Heading;}\s18\ql \li0\ri0\nowidctlpar\tx431\fauto\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\
langnp1033\langfenp1033 \sbasedon2 \snext0 Numbered Heading 2;}\s19\ql \li0\ri0\nowidctlpar\fauto\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext19 Plain Text;}\s20\ql \fi-431\li720\ri0\nowidctlpar\
fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext20 Implies List;}\s21\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon29 \
snext21 Upper Case List;}\s22\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext22 Hand List;}\s23\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\
lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon29 \snext23 Upper Roman List;}\s24\ql \li1440\ri1440\sal17\nowidctlpar\fauto\rin1440\lin1440\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \
sbasedon0 \snext24 Block Text;}\s25\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext25 Lower Roman List;}\s26\ql \fi-431\li720\ri0\nowidctlpar\
fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext26 Heart List;}\s27\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon29 \
snext27 Lower Case List;}\s28\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext28 Tick List;}\s29\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\
lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext29 Numbered List;}\s30\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext30 Star
List;}\s31\ql \li0\ri0\nowidctlpar\tx431\fauto\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon1 \snext0 Numbered Heading 1;}\s32\ql \fi-431\li720\ri0\nowidctlpar\fauto\rin0\lin720\itap0 \fs24\lang1033\langfe1033\
cgrid\langnp1033\langfenp1033 \snext32 Diamond List;}\s33\ql \li0\ri0\nowidctlpar\tx431\fauto\rin0\lin0\itap0
```

RelComm #

Y6

Exhibit “2”

Subject: Re: Atlantic City Public Schools Form 470 Applications**Date:** Tuesday, January 21, 2003 8:06 PM**From:** Martin Friedman <friedman@libertynet.org>**To:** Suzanne Zammit suzannez@mail.relcomm.net**Cc:** rkv@relcomm.net, John Holt bjholtjr@hotmail.com

Suzanne,

As you can see below, your questions arrived as a jumble of characters.

We have limited the bids on internal connections to vendors who have completed a walk-through of the sites in question. One walk-through has already taken place and, I believe, that a second walk-through is being scheduled for this week. Please contact John Holt at 215-588-4944 to be placed on the tour.

In addition, we are accepting only sealed bids. I will be more than happy to entertain any questions that you may have online but I must receive the bid by January 31, 2003 at 4P.

Yours,

M

on 1/21/03 3:31 PM, Suzanne Zammit at suzannez@mail.relcomm.net wrote:

```
> Dear Mr. Friedman:
>
> Attached you will find a list of questions regarding the 470
> applications for Internal Connections for Atlantic City Public
> Schools. We will be responding to the bid online and we will need to
> have the questions answered within the time frame stated on the
> letter. Please see the attached document.
>
> Any questions that you have should be directed to Konstantin Reznitsky
> at rkv@relcomm.net.
>
> Sincerely,
> Suzanne Zammit
> RelComm Inc.
> Phone 856-809-1056
> Fax 856-809-1058
>
>
> {\rtf1\ansi\ansicpg1252\uc1
> \deff0\deflang1033\deflangfe1033{\fonttbl{\f0\froman\fcharset0\fpqr2{\*\panose
> 02020603050405020304}Times New Roman;}{\f1\fwiss\fcharset0\fpqr2{\*\panose
> 020b06040202020204}Arial;}}
> {\f2\modern\fcharset0\fpqr1{\*\panose 02070309020205020404}Courier
> New;}{\f14\fnil\fcharset2\fpqr2{\*\panose
> 05000000000000000000}Wingdings;}{\f27\fwiss\fcharset0\fpqr2{\*\panose
> 020b0604030504040204}Tahoma;}}
> {\f36\froman\fcharset238\fpqr2 Times New Roman
> CE;}{\f37\froman\fcharset204\fpqr2 Times New Roman
> Cyr;}{\f39\froman\fcharset161\fpqr2 Times New Roman
> Greek;}{\f40\froman\fcharset162\fpqr2 Times New Roman Tur;}}
> {\f41\froman\fcharset177\fpqr2 Times New Roman
> (Hebrew);}{\f42\froman\fcharset178\fpqr2 Times New Roman
> (Arabic);}{\f43\froman\fcharset186\fpqr2 Times New Roman
> Baltic;}{\f44\fwiss\fcharset238\fpqr2 Arial
> CE;}{\f45\fwiss\fcharset204\fpqr2 Arial Cyr;}}
> {\f47\fwiss\fcharset161\fpqr2 Arial Greek;}{\f48\fwiss\fcharset162\fpqr2
> Arial Tur;}{\f49\fwiss\fcharset177\fpqr2 Arial
> (Hebrew);}{\f50\fwiss\fcharset178\fpqr2 Arial
> (Arabic);}{\f51\fwiss\fcharset186\fpqr2 Arial Baltic;}}
> {\f52\modern\fcharset238\fpqr1 Courier New
> CE;}{\f53\modern\fcharset204\fpqr1 Courier New
> Cyr;}{\f55\modern\fcharset161\fpqr1 Courier New
> Greek;}{\f56\modern\fcharset162\fpqr1 Courier New
> Tur;}{\f57\modern\fcharset177\fpqr1 Courier New (Hebrew);}}
> {\f58\modern\fcharset178\fpqr1 Courier New
> (Arabic);}{\f59\modern\fcharset186\fpqr1 Courier New
> Baltic;}{\f5252\fwiss\fcharset238\fpqr2 Tahoma
> CE;}{\f253\fwiss\fcharset204\fpqr2 Tahoma
> Cyr;}{\f255\fwiss\fcharset161\fpqr2 Tahoma Greek;}}
> {\f256\fwiss\fcharset162\fpqr2 Tahoma Tur;}{\f257\fwiss\fcharset177\fpqr2
> Tahoma (Hebrew);}{\f258\fwiss\fcharset178\fpqr2 Tahoma
> (Arabic);}{\f259\fwiss\fcharset186\fpqr2 Tahoma
```

RelComm Y6
#2

Appendix “3”

FCC Form

Approval by OMB
3060-0806

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 755640000448116

Applicant's Form Identifier: ACSDY6.2

Application Status: CERTIFIED

Posting Date: 01/05/2003

Allowable Contract Date: 02/02/2003

Certification Received Date: 01/05/2003

1. Name of Applicant:

ATLANTIC CITY BVE-ADMIN

2. Funding Year:

07/01/2003 - 06/30/2004

3. Your Entity Number

123420

4a. Applicant's Street Address, P.O.Box, or Route Number

1809 PACIFIC AVE

City

ATLANTIC CITY

State

NJ

Zip Code

08401-6803

b. Telephone number

(609) 343- 7200

c. Fax number

() -

d. E-mail Address

5. Type Of Applicant

- ☒ Individual School (individual public or non-public school)
- ☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☒ Library (including library system, library branch, or library consortium applying as a library)
- ☒ Consortium (intermediate service agencies, states, state networks, special consortia)

6a. Contact Person's Name: Martin Friedman

First, fill in **every** item of the Contact Person's information below **that is different from Item 4, above**.
Then check the box next to the preferred mode of contact. (At least one box **MUST** be checked.)

6b. Street Address, P.O.Box, or Route Number

442 Lyndhurst Drive

City

Broomall

State

PA

Zip Code

19008-4146

6c. Telephone Number (610) 999- 9935

6d. Fax Number (610) 353- 2753

6e. E-mail Address friedman@libertynet.org

Block 2: Summary Description of Needs or Services Requested**7 This Form 470 describes (check all that apply):**

a. ☐ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. ☐ Services for which a new written contract is sought for the funding year in Item 2.

d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 ☐ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. ☐ **YES**, I have an RFP. It is available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☐ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

9 ☐ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. ☐ **YES**, I have an RFP. It is available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☐ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity(e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional lines if needed.

10 Internal Connections**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?****a** ☒ **YES**, I have an RFP. It is available on the Web at or via (check one):☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.**b** ☒ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity(e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
LAN Maintenance Agreement	all eligible items, 10 bldgs.
Wire & Cable Maintenance	all eligible items, 10 bldgs.
Telephone System Maintenance	existing eligible equipment
Extended Warranties	existing and new eligible equipment
Project Management	all Y6 eligible projects
Web/eMail Server	25
DHCP Server	12
DNS Server	12
Back Up systems	12
VOIP System w/video	all eligible items
Video Equipment	EMMI, MCU, enhancer, MptCU, amplifiers, VCM
Wireless LAN	20 areas, 803.11b ans 802.11a compliant
Internal cabling	980 drops, CAT 6
Network Electronics	LAN extension & enhancement
Network OS	Windows 2000 server (60) & clients (7500)

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Martin Friedman

Title:

Consultant

Telephone number

(610) 999 - 9935

Fax number

(610) 353 - 2753

E-mail Address

friedman@libertynet.org

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

Block 3: Technology Assessment

- 14. ☐ Basic telephone service only:** If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.
- 15.** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.
- a.** Desktop software: Software required ☐ has been purchased; and/or ☐ is being sought.
- b.** Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.
- c.** Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.
- d.** Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.
- e.** Staff development: ☐ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☐ training is being sought.
- f.** Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☐ Individual school or single-site library.

b. ☐ Statewide application for (enter 2-letter state code) representing (check all that apply):

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☐ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	10
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number)